

**Enrolled Minutes of the Twentieth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, October 08, 2012**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, October 08, 2012 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed a resident inquiry regarding whether a tree service was being operated out of a residence at 9513 Saric Drive, Highland, in conflict with the Highland code. The Building Commissioner indicated that he would inspect the address.
3. The Town Council discussed the use variance pending before the Town Council from Lamar Outdoor Advertising and its import as a possible precedent if approved.

The study session ended at 6:59 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, October 08, 2012 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Brian Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; George Georgeff, Commander, Metropolitan Police Department; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

*Also present:* Ed Dabrowski IT Director (Contract) and Carlos Aburto, Park and Recreation Board President were also present.

**Minutes of the Previous Meetings:**

The minutes of the regular meeting of September 24, 2012 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2012 Budget in the Gaming Revenue Sharing Fund in the amount of \$35,000.
  - (a) Attorney verification of Proofs of Publication: (The TIMES 27 September 2012.)  
The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.
  - (b)**Public Hearing.** The Town Council President called the hearing to order.  
There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2012-42:** An Enactment Appropriating Additional Moneys in Excess of the 2012 Budget of the in the Gaming Revenue Sharing Fund in the amount of \$35,000.

Councilor Herak introduced and moved the consideration of Enactment No. 2012-42 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2012-42 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of its introduction.

**TOWN OF HIGHLAND  
Appropriation Enactment  
ENACTMENT No. 2012-42**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND, PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Gaming Revenue Sharing Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND:

Account No. 2XX.XX Road Salt	\$ 35,000.00
Total 200 Series:	\$ 35,000.00
<b>Total for Fund:</b>	<u>\$ 35,000.00</u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 8<sup>th</sup> Day of October 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 8<sup>th</sup> Day of October 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of**

HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Public Hearing on the Matter of Resolution No. 2012-43 in which the Town Council designated an Economic Revitalization Area (ERA).** The Economic Revitalization Area was designated by the Town Council for an area commonly known as 9601, 9553, And 9545 Indianapolis Boulevard in the Town of Highland, Indiana at its meeting of September 24, 2012. At the same meeting, the Town Council fixed the date of October 8, 2012 as the date to hear testimony, remonstrances and objections from persons affected by or interested in the designated Economic Revitalization Area.

*The purpose of the Economic Revitalization Area (ERA) is to permit the Town Council as the designating body to offer in certain instances, the new tax value of real property improvements, new machinery or equipment to be added to the tax base gradually over a fixed period of up to ten years, while the taxpayer still pays the regular taxes on the property pre-improvement. This process is commonly called tax abatement. Before receipt of a specific proposal, it is a goal of the program to have a net increase of 3-5 full*

- (a) Review of Proofs of Publication and required filings: **Times** 27 September 2012. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There are no comments written or spoken. The hearing is closed.
- (c) Consideration of **Resolution No. 2012-44:** A Resolution Confirming Terms And Conditions Applicable To An Application For A Property Tax Abatement For Property Located At 9601, 9553, and 9545 Indianapolis Boulevard.

Councilor Vassar moved the passage and adoption of Resolution No. 2012-44. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND, INDIANA  
RESOLUTION NO. 2012-44

**A RESOLUTION CONFIRMING TERMS AND CONDITIONS APPLICABLE TO AN APPLICATION FOR A PROPERTY TAX ABATEMENT FOR PROPERTY LOCATED AT 9601, 9553, AND 9545 INDIANAPOLIS BOULEVARD**

*Applicant: Baldi-Hoobyar Equities, Indiana, LLC*

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, Property tax abatement, if approved, is applied as a deduction in the increase in assessed value that results from investment in new construction or rehabilitation of property; and

WHEREAS, On March 12, 2012, the Highland Town Council adopted **Resolution No. 2012-10** designating an Economic Development Revitalization Area including 9601, 9553, 9545 Indianapolis Boulevard (**Exhibit A**); and

WHEREAS, An application for property tax abatement for the construction and expansion of an automobile dealership (the "Project") to be located on premises legally described as follows:

9601 Indianapolis Blvd.  
Parcel #45-07-28-351-004.000-026  
Legal Description: Hart's Acres 2<sup>nd</sup> Addition W. 300 ft. of S. 256.3 ft. of N. 1,270.7 ft. Bl. 1

9545 Indianapolis Blvd.  
Parcel #45-07-28-351-005.000-026

Legal Description: Hart's Acres 2<sup>nd</sup> Addition S. 80.03 ft. of W. 300 ft. of N. 1,351 ft. and E. 125 ft. of W. 300 ft. of N. 1,369.05 ft. of Bl. 1 .603 Ac.

9553 Indianapolis Blvd.

Parcel # 45-07-28-351-006.000-026

Legal Description: Hart's Acres 2<sup>nd</sup> Addition W. 175 ft. of S. 116.40 ft. of N. 1,467.4 ft. of Block 1 .468 Ac.

in the Town of Highland, Lake County, Indiana a/k/a 9601, 9553, 9545 Indianapolis Boulevard (the "Real Estate") has been received from Baldi-Hoobyar Equities, Indiana, LLC, a copy of which is attached and incorporated herein by reference (**Exhibit B**); and

**WHEREAS**, Said application proposes a \$1,500,000.00 conversion of a facility, for a net estimated value upon completion of \$3,250,000; that would bring thirty (30) jobs to Highland with an estimated \$1,600,000.00 increase in annual payroll; and that may not proceed but for approval of tax abatement by the Town Council; and

**WHEREAS**, \$1,429,500.00 is the most recent assessed value of the property that is the subject of this resolution, and

**WHEREAS**, \$3,250,000.00 is the owner's estimated assessed value of the property upon completion of the Project; and

**WHEREAS**, The Real Estate is located within an Economic Revitalization Area within the Town of Highland; and

**WHEREAS**, The Act empowers the Town Council to approve a deduction as percentage of the increase in assessed value that results from investments in new construction or rehabilitation of property by following a hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution; and

**WHEREAS**, The Town Council adopted **Resolution 2012-43** fixing 7:00 PM, Monday, October 8, 2012, in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving testimony, remonstrances and objections from persons interested in or affected by the proposed application for tax abatement and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

**WHEREAS**, Notice of the public hearing was given to taxing units consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed application ten days prior to the public hearing; and

**WHEREAS**, Town of Highland has heretofore established a Economic Revitalization Area consistent with its guidelines to create a positive image for the town through well designed, high quality development; increase jobs and generate tax revenues through new development; encourage development of business opportunities for all; encourage private investment along the corridor; enhance district neighborhoods through increased well planned economic opportunities; and to aid in the elimination of incomplete or inappropriate land uses; and

**WHEREAS**, Real estate located at 9601, 9553, and 9545 Indianapolis Boulevard, Highland, Indiana continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

**WHEREAS**, In considering the application and statement of benefits submitted by the petitioner, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town; and

**WHEREAS**, The Town Council now desires to affirmatively act upon the application for tax abatement from Baldi-Hoobyar Equities, LLC, a petitioner who seeks to invest, redevelop and rehabilitate property located at 9601, 9553, and 9545 Indianapolis Boulevard, a property located in the established Economic Revitalization Area,

**NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED**, by the Town Council of the Town of Highland as follows:

**Section 1.** Having reviewed the designation application and statement of benefits as filed by the petitioner, pursuant to IC 6-1.1-12.1 et seq., and having conducted a public hearing on Monday, October 8, 2012 regarding this matter, the Town Council as the designating body for the Town of Highland hereby makes the following findings and determinations, pursuant to IC 6-1.1-12.1-3(b):

(A) That the Town Council finds and determines in the affirmative that the estimate of the value of the redevelopment or rehabilitation project located at **9601, 9553, and 9553 Indianapolis**

**Boulevard, Highland**, consisting of construction costs of \$1,500,000.00 will yield an estimated (by owner) final assessed value of **\$3,250,000.00**, representing an estimated \$1,500,000.00 increase over the current assessed value of **\$1,429,500.00** is reasonable for projects of this nature;

(B) That the Town Council finds and determines in the affirmative that the estimate of thirty (30) individuals can be reasonably expected to result from the proposed redevelopment and rehabilitation;

(C) That the Town Council finds and determines in the affirmative that the estimate of a \$1,600,000.00 annual payroll with average salaries of \$53,333.33 per year for those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(D) That the Town Council finds and determines in the affirmative that all other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(F) That the Town Council finds and determines in the affirmative that the totality of benefits from the increased private investment by the applicant within the Economic Revitalization Area is sufficient to justify the deduction authorized by this resolution.

**Section 2.** That **Resolution 2012-43** adopted by the Town Council on September 24, 2012, is hereby confirmed and the application for **property tax abatement** upon the *increase in assessed value* in consequence of new construction and expansion at 9601, 9553, and 9545 Indianapolis Boulevard, which is the subject of this resolution, is hereby approved for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and the terms of this resolution;

**Section 3.** That pursuant to enabling authority provided at IC 6-1.1-12.1-2(i)(6), as a condition of approval for the deduction in assessed value, the applicant shall contribute **\$20,802.00** to the Town of Highland before permits are issued.

**Section 4.** The Clerk-Treasurer is authorized and directed to file a certified copy of this resolution, including a description of the real estate, with the Lake County Auditor, and such authorities as may be necessary to perfect this tax abatement authorization, pursuant to IC 6-1.1-12.1-3(d).

**DULY RESOLVED and ADOPTED** this 8<sup>th</sup> Day of October, 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

**Resolution No. 2012-10**, A Resolution Designating and Confirming an Economic Development Revitalization Area for Redevelopment Area II for the Commercial Corridors which includes the Property Located at 9601, 9553, and 9545  
Indianapolis Boulevard

TOWN OF HIGHLAND, INDIANA  
RESOLUTION NO. 2012-10

**A RESOLUTION CONFIRMING AN ECONOMIC REVITALIZATION AREA  
COTERMINOUS And COEXTENSIVE WITH THE COMMERCIAL  
CORRIDOR(S) II REDEVELOPMENT AREA**

**WHEREAS**, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities and installation of new machinery and equipment in "Economic Revitalization Areas" as those terms are defined in the Act, and

**WHEREAS**, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

**WHEREAS**, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of the Preliminary Resolution and a Final Resolution, and

**WHEREAS**, The Town Council adopted **Resolution 2012-07** fixing 7:00 PM, Monday, January 30, 2012 in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic Revitalization Area and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

**WHEREAS**, Notice of the public hearing was given to taxing units with a report consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed Economic Revitalization Area ten days prior to the public hearing; and

**WHEREAS**, Having conducted the public hearing on Monday, January 30, 2012, in which the Town Council received evidence concerning the Economic Revitalization Area, including all remonstrances and objections from interested persons, the Town Council now desires to take appropriate action regarding the designation of an Economic Development Area (ERA), based upon that evidence, the Statement of Benefits and the Council's independent investigation;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Highland as follows:

**Section 1.** That the Town Council hereby finds and determines that designations of location(s) described in Exhibit A, known as the *Commercial Corridors Redevelopment Area* as an Economic Revitalization Area(s) is consistent with its guidelines, endeavoring to create a positive image for the town through well designed, high quality development; to increase jobs and generate tax revenues through new development; to encourage development of business opportunities for all; to encourage private investment on the several major public ways which are located within the Redevelopment Commercial Corridor II and are generally, Ridge Road, Indianapolis Boulevard, 45<sup>th</sup> Avenue and Cline Avenue; to enhance district neighborhoods through increased well planned economic opportunities; and to facilitate rehabilitation and expansion of the building at this location(s);

**Section 2.** That the Town Council hereby still further finds and determines as follows:

(a) That real estate located described in Exhibit A, known as the *Commercial Corridors Redevelopment Area* continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

(b) That the goal for a net increase of *two hundred to three hundred (200-300) full-time equivalent (FTE) jobs* as set forth in the *Statement of Estimated Benefits* associated with the ERA designation can reasonably be expected to result within the *Economic Revitalization Area* with average salaries of *\$ 30,000 to \$40,000* per year from private investment that would not occur but for a property tax abatement incentive; and

(c) That the goal for a *forty million dollar (\$40,000,000.00)* net increase in the assessed value of real estate can reasonably be expected to result within the *Economic Revitalization Area* from private investment that would not occur but for a property tax abatement incentive; and

(d) That the totality of the benefits expected increased private investment within the *Economic Revitalization Area* is sufficient to justify property tax deductions; and

(e) That in making the foregoing findings and determinations regarding designation of the real estate as an *Economic Revitalization Area*, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and

replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town.

(f) That the foregoing findings of fact are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement within the Highland Redevelopment Area have been met.

**Section 3.** That Resolution 2012-07 adopted by the Town Council on January 16, 2012 is hereby confirmed and the real estate located and described in Exhibit A, known as the *Commercial Corridors Redevelopment Area*, is hereby declared, designated and found to be an *Economic Revitalization Area*.

**Section 4.** That a property owner or owners within the *Economic Revitalization Area* who seek tax abatement must submit an application on a form approved by the Redevelopment Commission and a "Statement of Benefits" (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application will establish standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives and design standards of the Redevelopment Commission.

**Section 6.** That along with the application, an Application Fee shall be paid, hereby fixed in the amount of \$250.00 to defray actual processing and administrative costs and an Economic Development Fee, not to exceed 15% of the tax savings over the course of the tax abatement, shall be paid, all subject to law.

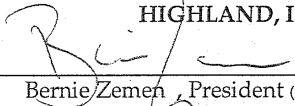
**Section 7.** That as part of the consideration of all abatement applications, the Town Council will conduct a public hearing before making its decision whether or not to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

**Section 8.** That the Clerk-Treasurer is authorized and directed to file a copy of this resolution, including a description of the real estate as contained in **EXHIBIT I**, with the Lake County Auditor.




DULY RESOLVED and ADOPTED this 30<sup>th</sup> Day of January 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed. *chelection*

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

  
Bernie Zemen, President (IC 36-5-2-10)

Attest:

  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 1-1-4-1(5); IC 36-5-6; IC 36-5-6-7)

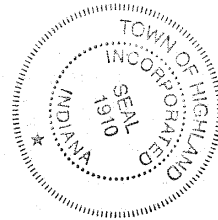


EXHIBIT B

Application for Tax Abatement from Baldi-Hoobyar Equities Indiana, LLC

**TOWN OF HIGHLAND**

3333 Ridge Road ♦ Highland, Indiana ♦ 219-972-7598 ♦ fax 219-972-5097

APPLICATION FOR TAX ABATEMENT

1. Company Name: PROPOSED - HIGHLAND VOLKSWAGEN - BUSINESS  
BALDI-HOOPYAR EQUITIES INDIANA, LLC - REAL ESTATE
2. Address: 9601, 9545 & 9553 INDIANAPOLIS BLVD.
3. Email address: JHOOPYAR@VWORLAND.COM
4. Contact name and title: JOSEPH HOOPYAR BUSINESS - PRESIDENT  
R/E MEMBER/MANAGER
5. Phone number: 708/906-6500
6. Fax number: 708/349-1242
7. Web site address (if available): \_\_\_\_\_
8. Brief description of business including SIC code and or principal business activity:  
VOLKSWAGEN DEALER AUTO SALES & SERVICE
9. Legal description and address of project property (attach additional sheets, if Necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Current uses and conditions of property:

TOYOTA DEALER AUTO SALES & SERVICE

11. Is the project an expansion or relocation?

EXPANSION

12. If the project is relocation, please identify the State, County and local jurisdiction that you are relocating from and why:

13. What is the project estimated start and completion date?

NOVEMBER 1, 2012

FEBRUARY 1, 2013

14. Type and amount of new investment:

Real Property:

Land: \_\_\_\_\_

Improvements: \$1.5 to \$2 MILLION - APPROX.

Personal Property:

Manufacturing equipment: \_\_\_\_\_

Research and development equipment: \_\_\_\_\_

15. Estimated tax benefits to the Town of Highland:

Real Property: \_\_\_\_\_

Personal Property: \_\_\_\_\_

16. Attach the following:

Exhibit A: Plats or maps of project area

Exhibit B: Drawings and photos

Exhibit C: Signage and landscape plans as applicable

17. Current number of employees in the Town: 0

18. Current number of employees in the State of Indiana: 0

19. Estimated number of construction jobs (if applicable): 30 EST.

20. Number of estimated new full and part-time jobs as a result of the project:

FIRST YEAR APPROX 30 TWO YEAR & BEYOND 40 TO 50

21. Attach Exhibit D: job descriptions and wage ranges

22. Estimated number of trucks per day (if applicable): \_\_\_\_\_

23. Attach Exhibit E: Letter of financial commitment

24. Number of years that the applicant is requesting tax abatement: 10 YEARS

25. Other incentives requested from the Town of Highland or State of Indiana:

\_\_\_\_\_  
\_\_\_\_\_

Upon favorable review and passage by the Town Council and before permits are issued, the successful applicant will be required to contribute an amount of up to 15% of the total tax savings as provided through IC 6-1.1-12.1-1(i)(6) to the Town of Highland Economic Development Fund. The Town Council will determine the specific dollar amount at the time of final approval for tax abatement. Contributions to this fund shall be used for community and economic development purposes, and other public benefit as directed by the Town Council.

I affirm under penalties of perjury that the above information is true and correct.

(signed)

George Hooley

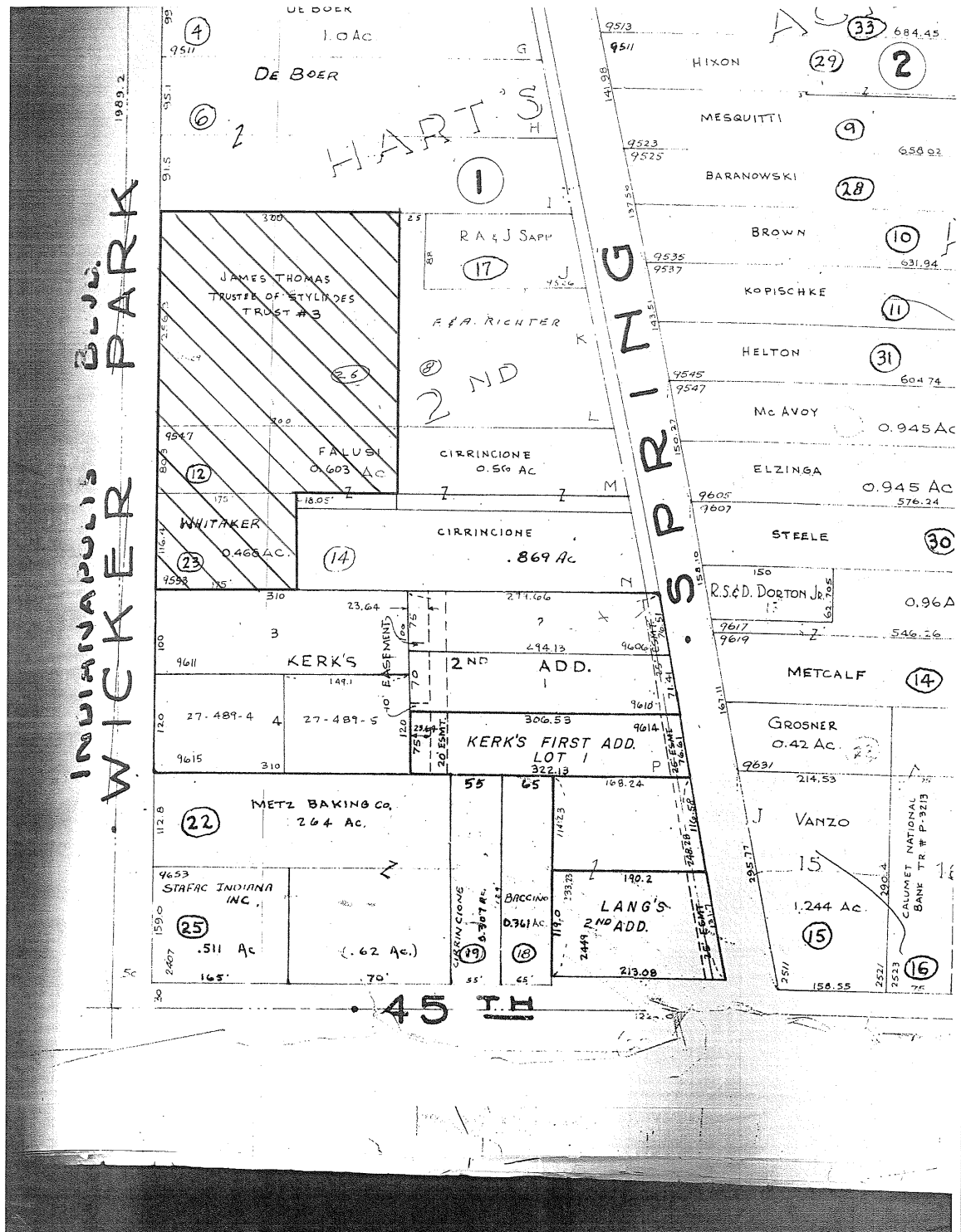
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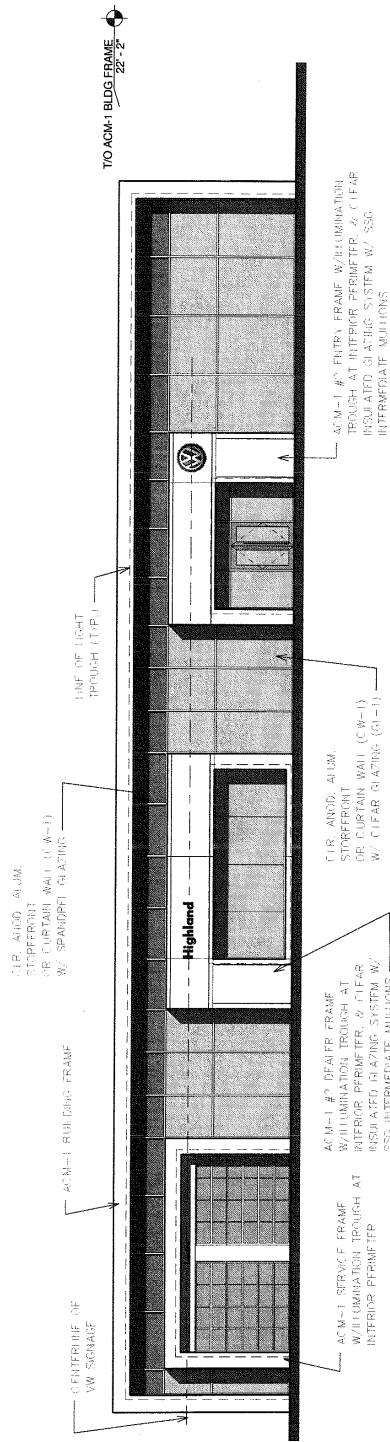
PRESIDENT

(Date)

SEPT. 19, 2012

9601, 9553, AND 9545 INDIANAPOLIS BOULEVARD (cross-hatched)





# Volkswagen of Highland Front Elevation



EVIEW360

SHEET NOTES  
 SEE M21-M23 FOR MATERIAL SCHEDULE  
 ALL ACM-1 JOINTS BLD BY SSG/TEC

These drawings are for communication of design intent only.  
 These drawings are not suited or intended for construction or fabrication.

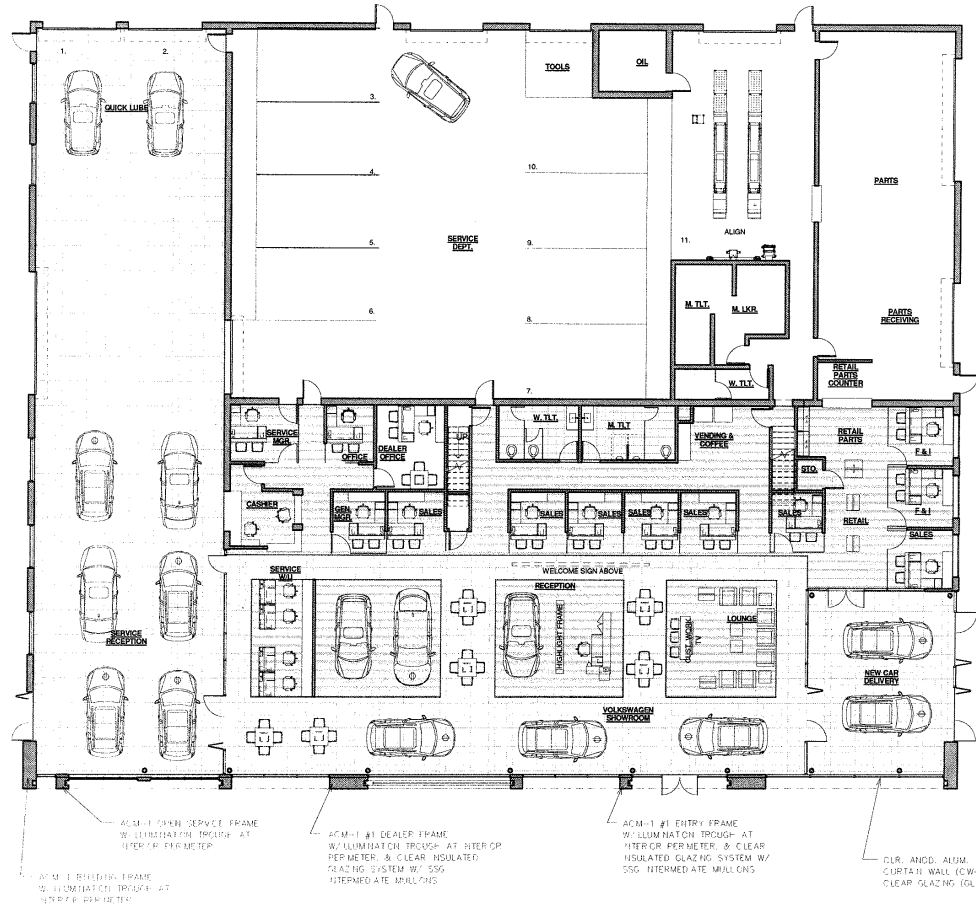
SCALE: 3/32" = 1'-0"

City/State: Highland, IN  
 Project #: 12-672

Issue  
 Design Survey Rev. 1

Date:  
 9/17/12

A2.1



## Volkswagen of Highland

### First Floor Plan

GLASS LEGEND	
	FRAMELESS GLASS
	CURTAIN WALL
	STOREFRONT

**SHEET NOTES**  
SEE SHEETS M2.1 THROUGH M2.4 FOR MATERIAL SCHEDULES.  
SEE FLD-FL4 FOR FIXTURE SCHEDULES.  
ALL VEHICLES IN SHOWROOM TO HAVE FLUSH FLOOR MOUNTED POWER SUPPLY BELOW ENGINE COMPARTMENT.  
IT IS RECOMMENDED THAT ELECTRIC VEHICLE CHARGING ACCESS IS PROVIDED IN SERVICE DEPT. AND SERVICE RECEPTION.  
EXACT FIXTURE SIZES, POWER REQUIREMENTS AND LOCATIONS TBD BY FURNITURE & FIXTURE SUPPLIERS.  
PROVIDE SOUND COLUMNS AT FRONT FACADE AS REQ'D IDEALLY ALIGNED ON CENTER WITH WINDOW MULLIONS.  
BY A/C: FINISHED TBD BY ARCHITECT OF RECORD.  
A/C: TO VERIFY ACCESSIBILITY AND EGRESS REQUIREMENTS OF 2ND FLOOR.

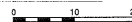


**A1.1** Date: 9/27/12 Issue: Design Survey Rev: 1

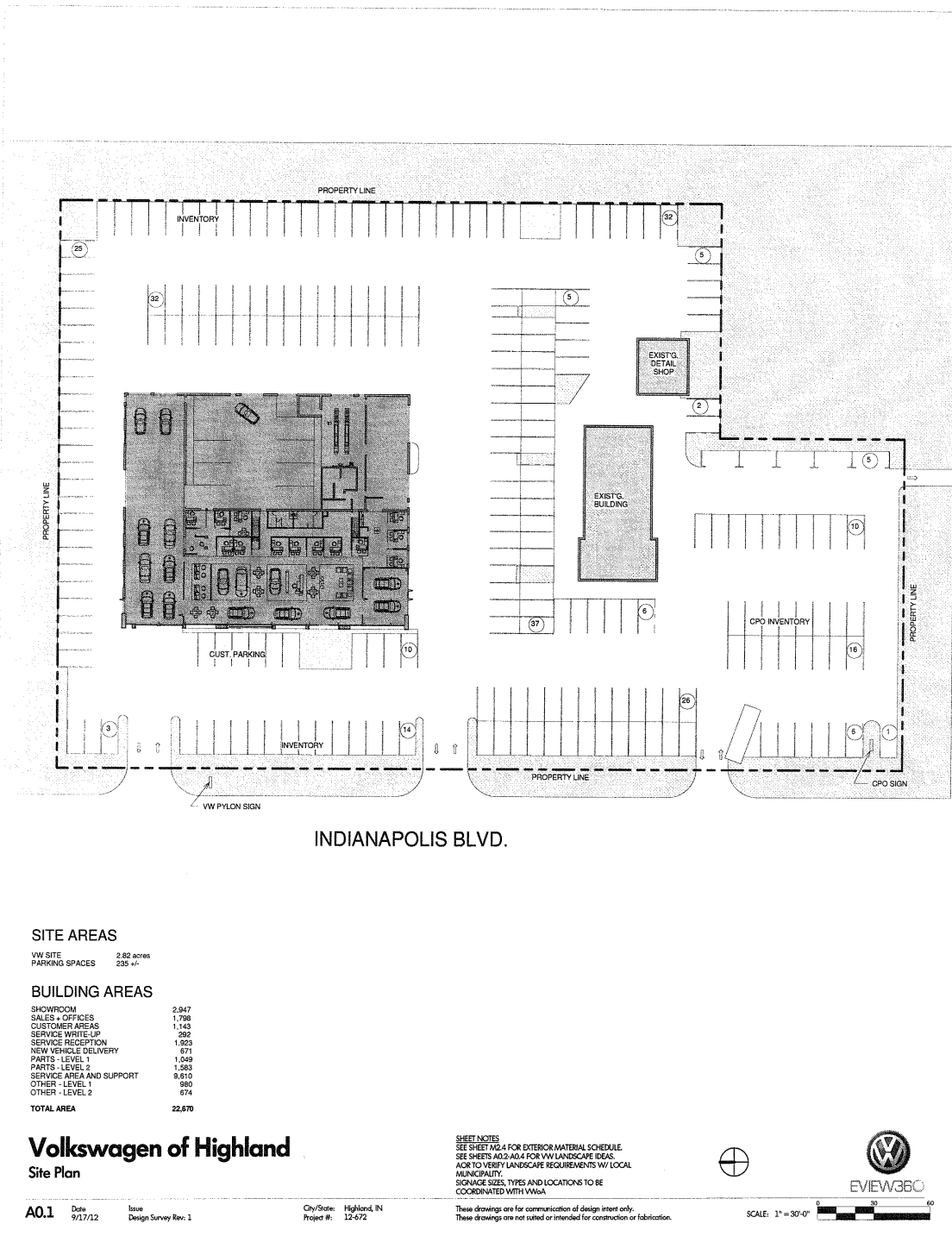
City/State: Highland, IN  
Project #: 12-672

These drawings are for communication of design intent only.  
These drawings are not suited or intended for construction or fabrication.

SCALE: 3/32" = 1'-0"









**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51787 (R3 / 12-11)

Prescribed by the Department of Local Government Finance

20 \_\_\_\_ PAY 20 \_\_\_\_

FORM SB-1 / Real Property

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
- To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor, if any, or the county assessor.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(f)]
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer <b>PROPOSED HIGHLAND VOLKSWAGEN (BUSINESS) BAZAL-HOOBYAR EQUITIES INDIANA, LLC (R/E)</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>9601, 9545, &amp; 9553 INDIANAPOLIS BLVD. HIGHLAND, IN 46322</b>					
Name of contact person <b>JOSEPH HOOBYAR</b>		Telephone number <b>708/906-6500</b>		E-mail address <b>JHOOBYAR@VWORLD.COM</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body <b>TOWN OF HIGHLAND</b>				Resolution number	
Location of property		County <b>LAKE</b>		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>DEMOL &amp; REBUILD FRONT OF BUILDING, ADD SERVICE RECEPTION &amp; SERVICE EXPRESS ON NORTH SIDE OF BLDG. RE-PAVE PARKING SURFACE. RE-LAMP W/ ENERGY EFFICIENT SYSTEMS.</b>				Estimated start date (month, day, year)	
				Estimated completion date (month, day, year)	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number <b>0</b>	Salaries <b>0</b>	Number retained <b>0</b>	Salaries <b>0</b>	Number additional <b>APPROX 30</b>	Salaries <b>\$1,600,000</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values			<b>\$1,750,000.</b>		
Plus estimated values of proposed project			<b>1.5 TO 2 MILLION</b>		
Less values of any property being replaced			<b>0</b>		
Net estimated values upon completion of project			<b>\$3,250,000 TO 3,750,000.</b>		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <b>Joseph Hoobyar</b>			Title <b>PRESIDENT</b>		Date signed (month, day, year) <b>9-19-12</b>

FOR USE OF THE DESIGNATING BODY								
<p>We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1, provides for the following limitations:</p>								
<p>A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.</p>								
<p>B. The type of deduction that is allowed in the designated area is limited to:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">1. Redevelopment or rehabilitation of real estate improvements</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>2. Residentially distressed areas</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>3. Occupancy of a vacant building</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>			1. Redevelopment or rehabilitation of real estate improvements	<input type="checkbox"/> Yes <input type="checkbox"/> No	2. Residentially distressed areas	<input type="checkbox"/> Yes <input type="checkbox"/> No	3. Occupancy of a vacant building	<input type="checkbox"/> Yes <input type="checkbox"/> No
1. Redevelopment or rehabilitation of real estate improvements	<input type="checkbox"/> Yes <input type="checkbox"/> No							
2. Residentially distressed areas	<input type="checkbox"/> Yes <input type="checkbox"/> No							
3. Occupancy of a vacant building	<input type="checkbox"/> Yes <input type="checkbox"/> No							
<p>C. The amount of the deduction applicable is limited to \$ _____.</p>								
<p>D. Other limitations or conditions (specify) _____</p>								
<p>E. The deduction is allowed for _____ years* (see below).</p>								
<p>F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a copy of the alternative deduction schedule to this form.</p>								
<p>We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.</p>								
<p>Approved (signature and title of authorized member of designating body)</p>	<p>Telephone number (     )</p>	<p>Date signed (month, day, year)</p>						
<p>Attested by (signature and title of attester)</p>	<p>Designated body</p>							
<p>* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.</p> <p>A. For residentially distressed areas, the deduction period may not exceed five (5) years.</p> <p>B. For redevelopment and rehabilitation or real estate improvements:</p> <ol style="list-style-type: none"> <li>1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.</li> <li>2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.</li> </ol> <p>C. For vacant buildings, the deduction period may not exceed two (2) years.</p>								

3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located on **Indianapolis Boulevard** at **west side of Little Calumet River Levee, Highland**, to allow installation of an off-premise advertising/billboard sign in property which is currently zoned as B-3 Zoned District/Commercial Corridors Redevelopment Area. Petitioner: LAMAR Outdoor Advertising. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and 0 opposed acted to

**favorably recommend the request for the use variance.** The ABZA acted at its meeting of 25 July 2012. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 22 August 2012. (90 days ends 23 October 2012).

*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and grant the requested use variance or it may **reject (over rule) the favorable recommendation** and deny the use variance.*

Councilor Vassar moved to reject the favorable recommendation of the Advisory Board of Zoning Appeals and deny the use variance. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was denied.

#### Staff Reports:

##### • Building & Inspection Report for August 2012

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	4	0	4	\$284,560.00	\$4,000.00
Signs:	5	0	5	\$10,850.00	\$1,239.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	134	134	0	\$757,348.00	\$13,716.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	7	7	0	\$29,615.00	\$1,331.0
Fences	12	12	0	\$33,454.00	\$1,356.00
Swimming Pools	1	1	0	0	\$73.00
DrainTile/ Waterproofing	1	1	0	\$17,580.00	\$260.00
Misc.	1	1	0	\$0.00	\$120.00
<b>TOTAL:</b>	<b>165</b>	<b>156</b>	<b>9</b>	<b>\$1,133,407.00</b>	<b>\$22,097.00</b>
<b>Electrical Permits</b>	27	24	3		\$2,512.50
<b>Mechanical Permits</b>	5	4	1		\$397.50
<b>Plumbing Permits</b>	11	9	2		\$2,022.00
<b>Water Meters</b>	2	0	2		\$460.00
<b>Water Taps</b>	0	0	0		\$0.00
<b>Sewer/Storm Taps</b>	1	1	0		\$300.00
<b>TOTAL Plumbing:</b>	<b>14</b>	<b>10</b>	<b>4</b>		<b>2,782.00</b>

#### AUGUST Code Enforcement:

Investigations: 227

Citations: 22

#### AUGUST Inspections:

Building: 38      Electrical: 31      Plumbing: 11      HVAC 5

Electrical Exam: 1

• **Building & Inspection Report for September 2012**

Not filed.

• **Fire Department Report for September 2012**

	Month	2nd half of yr.
General Alarms	7	37
Still Alarms	4	26
Paid still alarms	2	15
<b>Total:</b>	<b>13</b>	<b>78</b>

• **Workplace Safety Report for September 2012**

There were three incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2012	Total in 2011	Restricted Days 2012	Lost Workdays This Year	Restricted Days Last Year (2011)	Lost Workdays Last Year (2011)
Parks	0	0	0	0	0	0	0
Fire	0	0	1	0	0	1	0
Police	3	8	3	0	0	9	0
Street	0	6	5	0	0	16	0
Water & Sewer	0	3	4	0	0	4	77
Maint.	0	1	1	0	0	11	0
Other	0	2	0	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>18</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>41</b>	<b>77</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

1. **Resolution No. 2012-45:** An Exigent Resolution Providing for the Transfer of Appropriations Balances from and Among Major Budget Classifications in the Parks and Recreation Special Operating (General) Fund as Requested by the Proper Officers and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Novak moved the passage and adoption of Resolution No. 2012-45. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2012-45**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PARKS and RECREATION OPERATING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Parks and Recreation Operating Fund;**

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Parks and Recreation Operating Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy needs, as follows:

PARK OPERATING FUND

Reduce Account:	#220.04 Equipment Parts & Supplies	\$ 5,000.00
	#230.03 Miscellaneous Materials	\$13,000.00
	#230.06 Park Maintenance & Materials	<u>\$ 3,000.00</u>
	<i>Total 200 Series Reductions</i>	\$21,000.00
Increase Accounts:	#386.00 Recreation Services	<u>\$21,000.00</u>
	<i>Total 300 Series Increases</i>	\$21,000.00
	<b>Total of All Fund Decreases:</b>	<b>\$21,000.00</b>
	<b>Total of All Fund Increases:</b>	<b>\$21,000.00</b>

**DULY RESOLVED and ADOPTED** this 8<sup>th</sup> Day of October 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2012-34:** An Order of the Works Board Authorizing and Approving the Payment of Elective Honoraria or Stipends to the Several Bands and Other Special Groups in Recognition of and in Goodwill for their Appearance and Public Performance in the Annual Highland Independence Day Twilight Parade.

Councilor Herak moved the passage and adoption of Works Board Order No. 2012-34. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2012-34**

**AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL BANDS AND OTHER SPECIAL GROUPS in Recognition of and in Goodwill for their APPEARANCE AND PUBLIC PERFORMANCE IN THE ANNUAL HIGHLAND INDEPENDENCE DAY TWILIGHT PARADE.**

**Whereas,** The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas,** The Highland Community Events Commission, did organize and marshal the annual Independence Day Parade; and

**Whereas,** The Highland Community Events Commission did invite several middle school and high school marching bands as well as other special groups to participate in the parade;

**Whereas,** The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to some of the participating marching bands as well as other special groups;

**Whereas,** The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

**Whereas,** The Town Council has been reliably advised that the bands as well as other special groups perform as volunteers without remuneration, but do expend time, labor and creative process to support the Town of Highland's public parade and patriotic demonstration; and,

**Whereas,** Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

**Whereas,** The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Special Event Advisory Committee,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the following bands and special groups which participated in the most recent **Independence Day Twilight Parade**, be paid an elective honorarium, in appreciation and recognition of their participation, as follows:

(A)	Orak Shriners	\$300.00
(B)	Ladies Oriental Shrine	\$300.00
(C)	Highland High School Band	\$300.00
(D)	Calvary Baptist Church	\$ 30.00;

**Section 2.** That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

*The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.*

**Section 3.** That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several bands as well as special groups which participated in the most recent **Independence Day Twilight Parade**, as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, and to take such other measures to carry-out the purposes and objects of this order.

**Section 5.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**Be it so ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of October 2012 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Works Board Order No. 2012-35:** An Order Authorizing and Approving the Second Change Order to the Construction Contract related to the Woodward Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18

Councilor Novak moved the passage and adoption of Works Board Order No. 2012-35. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland  
Order of the Works Board No. 2012-35**

**An Order Authorizing and Approving the Second Change Order to the Construction Contract related to the Woodward Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18**

**Whereas**, the Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Woodward Avenue, with the project commonly known as the Woodward Avenue Reconstruction Project; and

**Whereas**, The Town Council has heretofore awarded a contract to Walsh & Kelly, Incorporated for the Project on August 8, 2011 in the amount of Six Hundred Sixty-nine Thousand Six Hundred Seventy-nine Dollars and 84/100 Cents (\$669,679.84); and

**Whereas**, The District, during the course of construction, had heretofore approved Change Order No. 1 in the amount One Thousand, Six Hundred Thirty-six and 56/100 Cents (\$1,636.56), which had the net effect of increasing the net amount of the construction contract to Six Hundred Seventy-one Thousand, Three Hundred Sixteen Dollars and 40/100 Cents (\$671,316.40); and

**Whereas**, during the course of construction of the Project, it has become necessary to again change or alter the original specifications of the project; and

**Whereas**, Garcia Consulting, a licensed engineer performing construction engineering services on this project has specifically identified and presented a description of such changes as one (1) proposed second addendum to the original construction contract with Walsh & Kelly, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost in the amount of Ten Thousand One Hundred Four Dollars and 84/100 Cents (\$10,104.84); and

**Whereas**, the Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That Change Order No. 2 for the Woodward Avenue Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this second addendum is hereby ordered to be known as Change Order No. 2, issued to reduce the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Incorporated in the amount of Ten Thousand One Hundred Four Dollars and 84/100 Cents (\$10,104.84), bringing the total value of the entire agreement with any and all change orders approved to date to Six Hundred Sixty-one Thousand, Two Hundred eleven Dollars and 56/100 Cents (\$661,211.56);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract Six Hundred Sixty-nine Thousand Six Hundred Seventy-nine Dollars and 84/100 Cents (\$669,679.84) which may not exceed Eight Hundred Three Thousand Six Hundred Fifteen Dollars and 81/100 Cents (\$803,615.81), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**Duly Passed and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8<sup>th</sup> day of October, 2012 having passed by a vote of 5 in favor and 0 opposed.

Town Council of the Town of  
Highland, Indiana

Bernie Zemen, President (IC 36-5-2-10)

Attest:



Michael W. Griffin, IAMC/MMC/CPFA  
Clerk Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.

*4.1 The Public Works Director recommends approval for the hire of David Ferrara to the position of Utility Worker/Driver C at the rate of pay of \$13.35 per hour plus benefits.*

Councilor Kuiper moved to approve the hire of David Ferrara to the position of Utility Worker/Driver C at the rate stated. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hire was approved.

5. Action to approve compensatory time off for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance. The requests are based upon straight hours in excess of the standard 40 work week occurring as follows:

- Robert Johnston: 11 hours (Incurred Jan – June 2012)  
*Previously Approved: 34.75 hours (Incurred July to December 2011)*
- John Mouratides: 33 hours (Incurred Jan – June 2012)  
*Previously approved: 13.5 hours (Incurred July to December 2011)*
- Mike Pipta: 46.5 hours (Incurred Jan – June 2012)  
*Previously approved: 43.5 hours (Incurred July to December 2011)*
- Colin Peterson: 39.5 hours (Incurred Jan – June 2012)
- Tim Gembala: 40.5 hours (Incurred Jan – June)

The Clerk-Treasurer requests the following authorization:

- Katy Dowling, Deputy Clerk-Treasurer to use up to 16 hours of compensatory time, from a total of 49.75 hours (accrued and recorded as real hours no premium and from work in 2012) as paid time off.  
*Previously approved: 40 hours (All hours incurred in current year 2012)*

Councilor Novak moved to approve all the requests for the named FSLA exempt salaried supervisors to use compensatory time as paid time off. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The PTO for the FSLA Exempt Salaried supervisors was approved.

Comments from the Town Council Members  
(For the Good of the Order)

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Parks and Recreation Superintendent who provided a cursory survey of park programs as well as reporting that a Recreation Director candidate, Dave Byers, has been appointed by the Park and Recreation Board.

Councilor Herak acknowledged the Public Works Director who offered a cursory overview of pending projects and roadwork. He further discussed that the department was exploring the merits of purchasing a bucket truck.

Councilor Herak also commended Tara Tauber and Jared Tauber for being recently selected as BusInness Magazine's 20 under 40, was rising professionals.

Councilor Herak also congratulated the Clerk-Treasurer on his recent receipt of the Russell J. Lloyd Distinguished Service Award from the Indiana Association of Cities and Towns.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities and the status of the facade improvement program. She reported on the status of the Town Theater acquisition. She further reported on some vacant commercial space being leased or in the process of being leased in consequence of the pop-up gallery initiative.

Councilor Vassar suggested that perhaps the dedication plaque for the Bike Trail, which was being replaced owing to its theft and was usually located upon a stone near the steel bridge that crossed the Cady Marsh Ditch, be relocated nearer to 41<sup>st</sup> Street where it may remain more visible and less susceptible to vandalism.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper commended the Fire Department on the recent Fire Service Open House conducted to honor Fire Safety Week.

- **Councilor Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member • Northwestern Indiana Regional Planning Commission member • Lake County Solid Waste Management District Board Member.*

Councilor Novak congratulated Tara and Jared Tauber and the Clerk-Treasurer on their recent awards or recognition.

- **Councilor Bernie Zemen:** *Town Executive • Chamber of Commerce Liaison • Police Pension Board Chairman • Plan Commission member • Liaison to the Board of Waterworks Directors.*

Council President Zemen also commended Jared Tauber, Tara Tara Tauber and the Clerk-Treasurer on the recent recognition. The Town Council President noted that he was present at the award ceremony for the Clerk-Treasurer.

The Council President announced that following the plenary business meeting the Town Council would convene a brief study session with representatives of the Park Board.

#### **Comments from Visitors or Residents:**

1. Kathy Goodson, 3221 Grand Boulevard, Highland, reported on her efforts in her neighborhood dealing with what she described as an ever growing feral cat problem. She renewed her request that the Town Council act and assist in humanely addressing the problem.

The Town Council President indicated that he wanted the matter to be placed upon the discussion topics for the next Study Session.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period September 25, 2012 through October 08, 2012. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$158,635.07; Motor Vehicle Highway and Street (MVH) Fund, \$15,680.97; Local Road and Street (LRS) Fund, \$15,094.93; Forfeit and Seized Assets Fund, \$340.35; Law Enforcement Training and Supply Fund, \$1,974.02; FSA Agency Fund, \$789.99; Gasoline Agency Fund, \$19,907.10; Information and Communications Technology Fund, \$4,378.53; Civil Donation Fund, \$366.12; General Improvement Fund, \$132.00; Traffic Violations and Law Enforcement Agency Fund, \$4,983.00; Sexual Predator Grant Fund, \$2,016.00; Payroll Fund, \$2.46. Total: \$224,300.54.**

**Adjournment.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, October 08, 2012 was adjourned at 7:50 O'clock p.m. A study session followed the plenary meeting.

**Study Session.** The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, October 8, 2012 at 8:00 O'clock P.M. in the regular place, but the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Also Present:** Carlos Aburto, Vicki Crowel of the Park and Recreation Board along with Alex Brown, Parks and Recreation Superintendent; and Dave Byers, Recreation Director were also present.

**General Substance of Matters Discussed.**

1. The Town Council and the Park and Recreation Board representatives discussed the prospect of permitting the dispensing of alcohol at the Lincoln Community Center renting its facilities for gatherings such as wedding receptions and other assemblies.

The discussion included noting the character of the banquet facility in the newly reconstructed Community Center. Representatives of the Park and Recreation Board suggested that neighboring communities permit alcohol in their facilities that are marketed for gatherings and parties, the Centennial Park at the Town of Munster being particularly distinguished.

The Recreation Director, recently of Portage Parks and Recreation, noted that its facility permitted the dispensing of alcohol.

The discussion included some discussion of allowing beer to be served in the parks. The discussion further included inquiries regarding statistics associated with number of rentals that occur without alcohol being vended and how many prospects were lost owing to the absence of alcohol.

The discussion included whether the dispensing would be with conducted by parks and recreation staff with the department holding the required licenses or dispensing would be left to caterers who held the required license.

Members of the Town Council expressed concerns for separating children and incompatible activities from any in which liquor was to be dispensed. No consensus was discerned nor any commitments expressed regarding the request of the Park and Recreation Board.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, October 8 2012 was adjourned at 8:24 p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer